IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 26512 of 2004(F)

PETITIONERS:
----

1. **GRADUATES YOGA AND NATUROPATHS ASSOCIATION (GYANA), REG.NO.T.2216/04, UP4/442, YN3, YAMUNA NAGAR, SREEKARYAM, TRIVANDRUM-17, REP. BY ITS GENERAL SECRETARY DR. AJAI AUGUSTINE.**

2. **DR. JINOY MATHEW, KAVALACKAL HOUSE, KADUTHURUTHY P.O., KOTTAYAM.**

BY ADV. SRI.THAMPAN THOMAS,
SRI.C.A.JOJO.

RESPONDENTS:
----

1. **STATE OF KERALA REP. BY THE CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.**

2. **THE SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE, SECRETARIAT, TRIVANDRUM.**

3. **THE SECRETARY, INDIAN SYSTEMS OF MEDICINE, AROGYA BHAVAN, TRIVANDRUM.**

4. **THE DIRECTOR, INDIAN SYSTEMS OF MEDICINE AROGYA BHAVAN, TRIVANDRUM.**

5. **THE KERALA PUBLIC SERVICE COMMISSION PATTOM, TRIVANDRUM, REP. BY ITS SECRETARY.**

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC,
GOVERNMENT PLEADER SRI. K.V. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.26512/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE BNYS DEGREE CERTIFICATE DTD. 11/03/2002 ISSUED BY MANGALORE UNIVERSITY.

EXT.P.2: COPY OF THE ORDER OF THE GOVERNMENT OF TAMIL NADU G.O. (MS) NO. 133 DTD. 02/03/1995.

EXT.P.3: COPY OF THE ORDER OF THE GOVERNMENT OF KARNATAKA NO. HFW 9 IMG 94 DTD. 23/08/1995.

EXT.P.4: COPY OF THE NOTIFICATION BY THE UPSC DTD. 10/01/2002.

EXT.P.5: COPY OF THE NOTIFICATION BY THE GOVERNMENT OF KERALA G.O. (P) NO. 35/82/HD DTD. 20/02/1982.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 15/01/2004 TO THE MINISTER FOR HEALTH AND FAMILY WELFARE.

EXT.P.7: COPY OF THE LETTER NO. E1-10533/2004 DTD. 21/07/2004 FROM THE DIRECTORATE OF INDIAN SYSTEMS OF MEDICINE, TRIVANDRUM.

EXT.P.8: COPY OF THE NOTIFICATION NO. R & A 2 (3) 20750/2004/G.O. DTD. 03/08/2004 BY THE KERALA PSC.

EXT.P.9: COPY OF THE REPRESENTATION DTD. 24/08/2004 TO THE HONOURABLE HEALTH SECRETARY, TRIVANDRUM.

EXT.P.10: COPY OF THE REPRESENTATION DTD. 04/09/2004 TO THE R.5.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.26512 of 2004

Dated 6th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or other appropriate writ order or direction to amend Ext.P5 notification to include the BNYS Degree as the qualification for appointment of Specialist in Naturopathy in the Government hospitals."

In view of the stand taken in the counter affidavit that the decree is not recognised qualification as per the Special Rules, it is for the petitioners to move the Government for appropriate modification in the Special Rules, in which case, the matter will be duly considered by the Government, within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.